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SACRAMENTO COURTS
DEPT. #53 #54

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117 FAIR POLITICAL PRACTICES COMMISSION,
118 a state agency,

119 Plaintiff,

120 v.

121 AGUA CALIENTE BAND OF CAHUILLA
122 INDIANS, and DOES I-XX,

123 Defendants.

Case No. 02AS04545

DECLARATION OF ALAN PLOFSKY
IN SUPPORT OF OPPOSITION TO
MOTION TO QUASH

Date: December 20, 2002

Time: 2:00 p.m.

Dept: 53

Judge: Hon. Loren McMaster

Action Filed July 31, 2002

No Trial Date Set

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1 I, Alan Plofsky, declare:

2 1. I am the Executive Director and General Counsel of the Connecticut State Ethics
3 Commission. I have held those positions since March 1, 1988. I submit this declaration in support of
4 the California Fair Political Practices Commission's opposition to the motion to quash filed by the
5 Agua Caliente Band of Cahuilla Indians.

6 2. The Connecticut State Ethics Commission is one of the principal agencies established to
7 build and maintain the confidence of Connecticut citizens in the integrity of their state government.
8 The Ethics Commission was created to administer and enforce the State's Codes of Ethics, Connecticut
9 General Statutes Chapter 10, Parts I and II. The Codes became effective January 1, 1978. The Ethics
10 Commission (a seven-member citizen panel) administers and enforces a Code of Ethics for Public
11 Officials and State Employees, including conflict of interests provisions, post-state employment
12 restrictions and financial disclosure requirements. It also administers and enforces a Code of Ethics for
13 Lobbyists, including a ban on gifts from lobbyists to public officials, state employees and members of
14 their staff and families.

15 3. Among those who must register and report to the Ethics Commission are "client
16 lobbyists." A client lobbyist is an individual, business, corporation, union, association, firm,
17 partnership, committee, club or other organization or group of persons which, on its own behalf,
18 expends or agrees to expend two thousand dollars or more in any calendar year for administrative
19 and/or legislative lobbying and activities in furtherance of lobbying. In Connecticut, lobbying is
20 generally defined as "communicating directly or soliciting others to communicate with any official or
21 his staff in the legislative or executive branch of government or in a quasi-public agency, for the
22 purpose of influencing any legislative or administrative action." Each client lobbyist is required to
23 register with the Ethics Commission every two years or prior to the commencement of lobbying,
24 whichever is later. There is a \$150 registration fee covering the two-year period. Each client lobbyist
25 must also file, with the State Ethics Commission, financial reports of lobbying activities.

26 4. In the State of Connecticut, two Native American Indian tribes operate large, Las Vegas-
27 style gambling casinos on their tribal lands. The Mashantucket Pequot Tribal Nation operates the
28 Foxwoods Casino, and the Mohegan Sun Tribe operates the Mohegan Sun Casino.

5. Both the Mashantucket Pequot tribe and the Mohegan Sun tribe comply with the State of Connecticut's lobbyist ethics laws. They (with their casino businesses) have registered with the Ethics Commission as client lobbyists, as required by state law, and have regularly filed the required lobbyist reports. Neither tribe has ever contested the jurisdiction of the Ethics Commission to require them to submit all the disclosure information required by state law and to otherwise fully comply with the requirements of state law with respect to their lobbying activities.

6. Attached as Exhibit A to this declaration are true and correct copies of documents downloaded from the Ethics Commission website listing the client lobbyist financial compensation information for the Mashantucket Pequot tribe for the years 2001 and 2002. Attached as Exhibit B are true and correct copies of documents downloaded from the Ethics Commission website listing the client lobbyist financial compensation information for the Mohegan Sun tribe for the years 2001 and 2002.

7. The Ethics Commission is empowered to investigate alleged violations of the Connecticut ethics laws. Those investigations can result in enforcement actions and the imposition of a monetary civil penalty. On September 14, 2001, the Commission and the Mashantucket Pequot tribe and its Foxwoods Casino settled an enforcement matter by entering into a stipulation and order. Under the settlement, the tribe agreed to pay a civil penalty of \$40,000 for violating the Ethics Code's gift limits and reporting requirements in connection with receptions held at the 2000 Republican and Democratic National Conventions. Attached hereto as Exhibit C is a true and correct copy of the Complaint and Stipulation and Order in Docket No. 2001-13: In The Matter Of A Complaint Against The Mashantucket Pequot Tribal Nation/Foxwoods Resort Casino, dated September 14, 2001. In that matter, the tribe did not contest the Ethics Commission's authority to enforce the Ethics Code against it.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge, and that if called upon I could and would testify competently thereto. Executed this 4th day of December at Hartford, Connecticut.

Alan S. Plosky Esq.
ALAN PLOSKY